IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 17086 of 2003

Between:

K. Srinivas, S/o. late Satyanarayana,
R/o. 1-2-40/2, Gandhi Road, Armur, Nizamabad.

..... PETITIONER

AND

1 The Regional Manager, A.P.S.S.R.T.C., Nizamabad,
Nizamabad District.
2 The Depot Manager, A.P.S.S.R.T.C., Armoor,
Nizamabad District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order, or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in issuing proceedings No. C1/122(73)/97-RM:NZB dated 28-6-2003 terminating the petitioner's lease/ licence over shop No. 5, Armoor Bus Stand on the purported ground of change of business and in seeking to evict the petitioner from shop No. 5 bus stand, Armoor Nizamabad District as being illegal, arbitrary and unconstitutional and consequently direct the respondent not to interfere with the petitioners business in any manner

Counsel for the Petitioner:MR.S.NIRANJAN REDDY

Counsel for the Respondent No.: MR.K.HARINATH, Standing Counsel for the A.P.S.R.T.C.

The Court made the following :

ORDER:

Heard both sides and at their request the main writ petition itself is taken up for final disposal.

2. The petitioner herein, who is stated to be licensee in respect of shop at Armoor A.P.S.R.T.C. Bus Stop, Nizamabad District, has filed this writ petition, *inter alia*, challenging the impugned proceedings dated 28-06-2003 issued by the respondents terminating the said licence on the ground that there is a change of business. The case of the petitioner is that though the bid was knocked in his favour in the auction, the possession of the shop was delivered after four years of the bid and he entered into an agreement with the respondents and doing business in the shop in question. The petitioner submits that though the other shop holders are also changing the business, and there being any objection by the respondents, he wanted to change his in the shop and to that effect a representation was made to the authorities, which was rejected by the respondents and cancelled the licence. Challenging the said action of the respondents, the present writ petition is filed.

3. In the counter affidavit filed by the respondents, it is stated that having regard to the terms and conditions of licence, the petitioner cannot change the nature of business than the one initially agreed to. Since the petitioner has violated the conditions of licence granted to him, his representation for change of business was rejected. Therefore, he has no *locus standi* or any right to change the nature of business.

4. It is to be seen that the petitioner is only a licensee in respect of the shop, which was allotted to him. Undisputedly, earlier the petitioner was allotted the shop on lease for doing certain business. Since there was a delay in handing over possession of the shop to the petitioner, however, the same was accepted by him and doing business. Therefore, as per the terms and conditions of licence, the petitioner cannot change the nature of business. The respondents rejected the representation filed by the petitioner for change of business and the licence granted to him was cancelled. It is well settled that in respect of such licence, the petitioner has no right what-so-ever to enforce the same or to make any demand to change the business. Having regard to the same, I do not find any merits in the writ petition.

5. The writ petition is accordingly dismissed.

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B.PRAKASH RAO, J

23rd July, 2004

Chvn/BJ.

ASSISTANT REGISTRAR.

// TRUE COPY //

SECTION OFFICER.

To

1 The Regional Manager, A.P.S.S.R.T.C., Nizamabad,
Nizamabad District.
2 The Depot Manager, A.P.S.S.R.T.C., Armoor,
Nizamabad District.

3. Two C.Ds.